

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION**

**PAUL I. WILLS**

**PLAINTIFF**

**V.**

**CASE NO. 2:20-CV-2150**

**ENCOMPASS INSURANCE COMPANY  
and ENCOMPASS INDEMNITY COMPANY**

**DEFENDANTS**

**ORDER VACATING PRIOR OPINION PURSUANT TO MANDATE**

On September 29, 2022, the Court of Appeals for the Eighth Circuit issued the Mandate (Doc. 70) that followed from its September 6, 2022 Opinion and Order. (Doc. 70-2). On appeal, the Eighth Circuit rejected this Court's conclusion (Doc. 48) that it lacked jurisdiction to vacate the state court's summary judgment ruling, explaining that "the *Rooker-Feldman* doctrine does not apply to cases removed to federal court." See Doc. 70-2, p. 5. The Eighth Circuit then considered and reversed the state court's (pre-removal) summary judgment ruling. See Doc. 70-2, pp. 5–6. On remand to this Court, Plaintiff's breach of contract claim will now proceed on the merits.

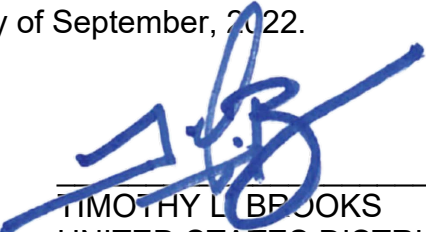
Accordingly, **IT IS ORDERED** that:

(1) this Court's opinion and order (Doc. 48) denying Defendants' motion to vacate is hereby **SET ASIDE**; and

(2) the summary judgment order (Doc. 13-1) issued on May 31, 2019, by the Circuit Court of Sebastian County, Arkansas, is hereby **VACATED** for the reasons stated by the Court of Appeals in its opinion at Document 70-2.

A scheduling order will soon issue setting Plaintiff's breach of contract claim for a jury trial. In the meantime, the Clerk of Court is **DIRECTED** to reopen the case.

**IT IS SO ORDERED** on this 30th day of September, 2022.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE